

DECLARATION, POWER OF ATTORNEY AND PETITION

We, Michael H. Myers, Juan C. Riley and Clark C. Guest, declare: that we are citizens of the United States of America; that our residence and post office addresses are 12947 Creek Park Drive, Poway, California 92064, 3226 Caminito Quixote, San Diego, California 92145, and 8722 Menkar Road, San Diego, California 92126, respectively; that we verily believe we are the original, first, and co-inventors of the subject matter of the invention or discovery entitled REPLICATED-SPECTRUM PHOTONIC TRANSCEIVER, for which a patent is sought and which is described and claimed in the specification attached hereto; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

We claim the benefit under Section 120 of Title 35 of the United States Code of the earlier filed pending application Serial No. 09/810,910 filed March 16, 2001 and entitled PHOTONIC WAVELENGTH SHIFTING APPARATUS; and, insofar as the subject matter of the claims of this application are not disclosed in the earlier filed pending application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States Code, we acknowledge the duty to disclose to the Patent and Trademark Office all information known to us to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations, which became available between the filing date of the earlier filed application and the filing date of this application.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys A. John Pate, Gary D.E. Pierce and Hal D. Baird, Registration Nos. 36,234, 38,019 and 42,284, respectively, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence and telephonic communications should be directed to:

A. John Pate
PATE PIERCE & BAIRD
Bank One Tower
50 West Broadway, Suite 900
Salt Lake City, Utah 84101

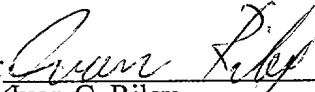
Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at San Diego, California, this 31 day of May, 2001.

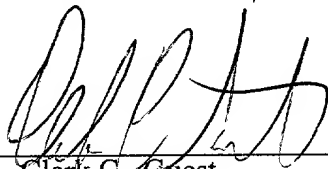
Inventor Michael H. Myers
Michael H. Myers
12947 Creek Park Drive
Poway, California 92064

09240-0601
"042860"

Signed at San Diego, California, this 30 day of May, 2001.

Inventor 
Juan C. Riley
3226 Caminito Quixote
San Diego, California 92145

Signed at San Diego, California, this 30 day of May, 2001.

Inventor 
Clark C. Guest
8722 Menkar Road
San Diego, California 92126

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